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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,399	07/18/2001	Hong-Jiun Gu	CIP1340A-WII	9905

7590 07/09/2003

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EXAMINER

CAMPBELL, KELLY E

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/909,399

Applicant(s)

GU ET AL

Examiner

Kelly E Campbell

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3618

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Species II in Paper No. 5 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-13 and 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7-9 and 15 recite the limitation "said wheel arms" in line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jordan (US 3,863,950) in view of Culpeper (US 4,323,258).

a scooter (1), including:

Art Unit: 3618

a scooter body ;

a pair of rear wheels (13) rotatably supported at a rear portion of the scooter body (1);

a transmission unit (19) having an upper control portion (silent) positioned above the scooter body (1) and attached to steering means (17) and a lower connecting portion (silent) attached to a twister (21) extended underneath the scooter body (1);  
a steering means (17) affixed to the control portion (silent) of the transmission unit (19) for driving the connecting portion thereof to rotate in clockwise and anti-clockwise directions, see Figure 4;

a twister member (21) having a front end portion or driven portion (silent) connected to the connecting portion of the transmission unit (19) and further having two rear side portions on ends of the axle (11) for affixing two rear driving wheels (9);

a pair of driving wheels (9) spacedly and rotatably mounted to the twister member (21) wherein the two driving wheels (9) are spaced apart from the driven portion of the twister member (21);

and a safety driving equipment, including;

a support arm (21a) frontwardly extended from the driven portion (silent) of the twister member (21);

wherein the supporting arm (21a) is integrally extended from the twister member (21);

wherein the scooter further includes a pair of wheel arms (15) outwardly extended from the two sides of the scooter (1), see Figure 1; the wheel arms (15), for

Art Unit: 3618

rotatably connecting the two rear wheels (13) wherein each of the wheel arms (15) has an end securely affixed to the respective side of the scooter (1) and a second end for receiving a rear wheel (13);

wherein the twister member (21) and wheels (9) have a triangular shape, see Figure 4, with a front end portion (21a) connected to the connecting portion of the transmission (19) and two rear side portions (rotatably affixing the two drive wheels (9) and a rear portion (11) for affixing the two drive wheels (9) thereto on opposing sides.

wherein the transmission unit (19) is a shaft having a top end which is the driving portion of the transmission unit (19) connected to the steering means (17) and a bottom end (silent) which is the connecting portion of the transmission (19) connected to the twister member (21), wherein the transmission unit (19) is rotatably penetrated through the scooter body (1), see Figure 1.

Jordan does not disclose a safety wheel mounted to the supporting arm.

Culpeper teaches a scooter (10) having:

a twister member (20);

a pair of driving wheels (50) spacedly and rotatably mounted to the twister member (20) on opposing sides (21,22) of the twister (20) wherein the two driving wheels (50) are spaced apart from a driven portion of the twister member (20) at pivot connection (60);

and the twister member (20) having a safety wheel (50) mounted to the forward portion of the twister member (20).

Art Unit: 3618

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the twister member taught by Jordan to include a safety wheel mounted on the front end portion of the twister member in order to prevent forward tipping of the scooter for the safety of the rider.

Claim 2-3, 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jordan (US 3,863,950) in view of Culpeper (US 4,323,258) as applied to claim 1 above, and further in view of Hendricks (US 3,663,038).

Jordan as modified by Culpeper teaches all aspects of the claimed invention as discussed above for claim 1, except the scooter having an anti-flip member.

Hendricks teaches a scooter (10) having a body (90) and an anti-flip member (silent) being an integral portion of the rear end portion of the scooter body (202);

the rear end portion of the scooter body (12) so shaped to reduce the vertical clearance between the scooter body and the rear wheels (16) of the scooter (10);

Hendricks also teaches an anti-flip member (132) being attached to a bottom rear portion of the scooter body (12);

and wherein the anti-flip member (132) is a wheel arm (132) having an end with an elongated cavity for (136) for receiving and rotably mounting a respective rear wheel (138) via an axle (140).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the scooter with twister body as taught by Jordan in view of Culpeper to include an anti-flip member so shaped to minimize rearward tipping of

Art Unit: 3618

the scooter device as taught by Hendricks in order minimized the likelihood of the child falling from the scooter and for increasing child safety.

With regards to claim 3, it would have been obvious to provide an anti-flip member attachable to a bottom side of the scooter body, also taught by Hendricks, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*.

Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jordan (US 3,863,950) in view of Culpeper (US 4,323,258) as applied to claim 1 above, and further in view of Johnson (US 1,666,139).

Jordan in view of Culpeper teaches all aspects of the claimed invention as discussed above for claim 1, including a supporting arm (21a) integrally extending from twister member (21) at the driven portion thereof, but does not teach a safety wheel adapted to rotate 360 degrees.

Johnson teaches a triangular shaped twister member assembly (10);

the triangular shaped twister assembly having a front safety castor wheel (17) capable of rotating 360 degrees, and two twister wheels (17) mounted to the rear end portion of the twister (10); for increased maneuverability of the twister member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wheel configuration of the twister member of Jordan

Art Unit: 3618

as modified by Culpeper, to include a front safety castor wheel capable to rotate 360 degrees for increased maneuverability of the scooter.

Claim 5-6 and 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jordan (US 3,863,950) in view of Culpeper (US 4,323,258) and Hendricks (US 3,663,038) as applied to claims 2 or 3 above, and further in view of Johnson (US 1,666,139).

Jordan in view of Culpeper and Hendricks as applied to claim 2 or 3 above teaches all aspects of the claimed invention except the twister member having a safety wheel rotatable 360 degrees.

Jordan (US 3,863,950) in view of Culpeper teaches all aspects of the claimed invention as discussed above for claim 1, including a supporting arm (21a) integrally extending from twister member (21) at the driven portion thereof, but does not teach a safety wheel adapted to rotate 360 degrees.

Johnson teaches a triangular shaped twister member assembly (10);

the triangular shaped twister assembly having a front safety castor wheel (17) capable of rotating 360 degrees, and two twister wheels (17) mounted to the rear end portion of the twister (10); for increased maneuverability of the twister member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wheel configuration of the twister member of Jordan in view of Culpeper and Hendricks to include a front safety castor wheel capable to rotate 360 degrees for increased maneuverability of the scooter.



Further, it would have been obvious to one of ordinary skill in the art to modify the wheel arms for receiving rear wheels and axles as taught by Jordan to include an elongated cavity for receiving the wheels as taught by the rear wheel of Hendricks in order to provide a fender configuration for protecting the rider from the rotating rear wheels for safety.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wattron et al (US 5,347,681) discloses a skateboard having a front safety wheel rotatably mounted to rotate 360 degrees. Kassai (US 4,560,022) discloses a scooter having a front safety wheel. Johnson (US 2,007,447) teaches a twister member having two rear wheels and a front safety wheel rotatable 360 degrees. Spitzke (US 4,199,165) teaches a skateboard scooter having an anti-tip member disposed on the rear body of the scooter. Bussinger (US 5,316,328) teaches a scooter having a rear anti-tip stabilizer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E Campbell whose telephone number is (703) 605-4264. The examiner can normally be reached on 9:00-5:30 Monday-Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone numbers

Art Unit: 3618

for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
KEC  
June 30, 2003

  
BRIAN L. JOHNSON  
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6/20/03